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FM USMISSION USUN NEW YORK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3152
INFO RUEHDR/AMEMBASSY DAR ES SALAAM PRIORITY 0275

UNCLAS USUN NEW YORK 001051

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DEPT FOR IO/UNP

E.O. 12958: DNG: UN 11/20/2012

TAGS: OFDP PREL TZ UN

SUBJECT: TANZANIAN MISSION REFUSES WAIVER

REF: STATE 152816

¶1. This message is sensitive but unclassified - please protect accordingly.

¶2. Action request: By diplomatic note dated November 19, 2007, the Permanent Mission of Tanzania has declined to waive the criminal immunity of the two sons of Mission Minister Counselor Isaack Katanda as requested by reftel and USUN diplomatic note HC-109-07 of November 9. Text of Tanzanian note follows in para 3 below. Accordingly, USUN should be instructed to consult with the United Nations Secretariat (normally the UN Legal Counsel), following which a diplomatic note should be sent to the Tanzanian Mission ordering the two offenders to depart the United States by a date of the Department's choosing.

Begin text of Tanzanian note TZNY/PF.116: The Permanent Mission of the United Republic of Tanzania to the United Nations presents its compliments to the United States Mission to the United Nations and has the honour to refer to the latter's Note Verbale HC-109-07 of November 9, 2007, concerning allegations of the commission of criminal acts by Adolph and Julius Katanda, the dependent sons of Minister Counselor Isaack Katanda.

The Permanent Mission of the United Republic of Tanzania to the United Nations wishes to inform the United States Mission that it is unable to waive the criminal immunity of Adolph and Julius Katanda so that charges against them may be adjudicated in accordance with the laws of the State of New York as provided for in Section 13 of the United Nations Headquarters Agreement.

The Government of the United Republic of Tanzania is aware of the Department of State's practice in cases involving serious offenses when a requested waiver of immunity is not forthcoming that the alleged offenders will be required to leave the United States.

The Permanent Mission of the United Republic of Tanzania to the United Nations avails itself of this opportunity to renew to the United States Mission to the United Nations the assurances of its highest consideration. End text.
Khalilzad